

GOVERNMENT CODE

ARTICLE 2

ELECTIONS

[NOTE: Except as otherwise noted, the provisions of Article 2 of the Government Code were enacted on August 23, 1988 by Ordinance No. 88-2; September 4, 1992, Ord. No. 92-4; August 26, 1994, Ord. No. 94-3, and July 27, 2000, Ord. No. 00-3; August 23, 2006, Ord. No.06-03, as amended.]

CHAPTER 1. GENERAL PROVISIONS

Section 2-101. Election Board.

a. The Tribal Council shall appoint an Election Board no later than 25 days before the next Tribal Election. The Board shall consist of nine members. The Council shall appoint new Board members as vacancies occur.

b. The Election Board shall be responsible for conducting all Tribal elections in accordance with the Tribal Constitution and By-laws and with the Tribal Government and Law and Order Codes.

c. Board members must be at least 18 years of age and be qualified electors of the Tribes. Board members may not circulate nomination, referendum or recall petitions; may not be a candidate for or hold any elective office; and may not have a parent, spouse, sibling or child who campaigns for or holds any elective office.

d. Of the nine appointed Board members, the Tribal Council shall designate one District Judge, one District Clerk, one District Teller, and one Election Worker for each of the two Reservation election districts, plus one Community Outreach Clerk.

e. The Tribal Council shall determine the amount of compensation to which Board members are entitled.

f. The Tribal Council shall appoint at least three alternates, any of whom may be selected by the Tribal Secretary to serve in the place of Board members who are temporarily unable to serve. On Election Day, two of these alternates may be selected by the Secretary to serve as election workers, performing such duties as Board members assign to them. For the time that they serve, election workers shall be entitled to compensation at the same rate as Board members.

g. In the event that the Tribal Secretary's position is at issue in an election, the Tribal Chairman shall appoint an official to act in the Secretary's place for all matters pertaining to that election. If the Chairman's position also is at issue, the Vice Chairman shall make the appointment. When such an official has been appointed, every reference to the Secretary in this Section shall refer instead to that official.

[As amended August 26, 1994, Ord. No. 94-3]

CHAPTER 2. CANDIDATES

Section 2-201. Nomination of Candidates.

a. Any Tribal member, otherwise eligible to be a candidate for election to the Tribal Council or the office of Tribal Chairman or Vice-Chairman under Article VIII of the Constitution and Bylaws, wishing to become a candidate for election must file his name, at least thirty (30) days prior to the election, with the Enrollment Department on an official nomination petition signed by at least ten (10) members of the Tribe over the age of eighteen (18).

b. The Enrollment Department shall check each petition for completeness and accuracy and present any nomination petitions received to the Chairman, Vice-Chairman or Secretary within thirty (30) days of the election. All accurate and complete petitions shall be certified by the Tribal Council at a specially called meeting. Council's decision concerning certification of petitions shall be final.

CHAPTER 3. ELECTIONS

Section 2-301. Conduct of Elections.

a. Every Tribal election, including recall, referendum, runoff, and other special elections, shall be conducted in accordance with this Section.

b. Each voter shall be entitled to cast one vote for each vacant position and office, and shall be permitted to cast such vote in private. Voting by proxy, power of attorney, or other assignment is not permitted.

c. There shall be two (2) polling places. The polling place for District 1 shall be the Tribal Administration Center, where voters residing North of Burns Road shall vote. The polling place for District 2 shall be the Valley Head Start School, where voters residing South of Burns Road shall vote. The Election Board shall erect signs indicating the location of the polling places.

d. The polls shall be open from 6 a.m. to 6 p.m. Any voter in line by 6 p.m. shall be entitled to cast his vote. Election workers and Board members who leave the immediate vicinity of the polling places to which they are assigned while the polls are open shall not be allowed to return.

e. Ballot boxes shall be placed at each polling place and kept locked throughout the voting.

f. Electioneering shall not be permitted within a two hundred foot (200') radius of the polling place.

g. The Tribal Secretary shall prepare the ballots which shall include the names of all eligible candidates whose petitions were certified pursuant to Section 2-302. In the event that the Secretary is a candidate for election, the Tribal Chairman shall appoint an official to act in his place for all matters related to the election.

h. Ballots which are spoiled shall be so marked, signed by each Election Board member at the District where the spoilage occurred, deposited in the ballot box and returned to the Tribal Administration Center upon completion of voting.

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i. Unused ballots shall be sealed in an envelope marked "UNUSED" and returned to the Tribal Administration Center by the District Judge along with the ballot boxes upon completion of voting.

j. Upon completion of voting, the District Judge accompanied by a Tribal Police officer shall transport the ballot boxes and any unused ballots to the Tribal Administration Center. When all ballot boxes have been transported to the Tribal Administration Center, the Election Board in the presence of the Tribal Secretary shall count any unused ballots and the marked ballots and prepare the official count.

k. Upon completion of the official count, the Election Board shall place the ballots, the Eligible Voters' Lists, unused ballots and any other election materials in the ballot boxes which shall be given to the custody of the Tribal Chief of Police.

[As amended September 4, 1992, Ord. No. 92-4; August 26, 1994, Ord. No. 94-3, and July 27, 2000, Ord. No. 00-3, as amended.]

Section 2-302 Certification of Candidates

a. Prior to being declared a candidate for any elective office or being appointed to any office, the individual must meet the minimum qualifications set forth in ARTICLE VIII, of the Constitution, and comply with the procedural requirements of ARTICLE V, SECTION 3, of the Constitution.

b. Any incumbent member of the tribal council who accepts nomination as a candidate or election to the office of chairman or vice-chairman shall comply with the requirements set forth in ARTICLE V, SECTION 4, of the Constitution, PROVIDED that said incumbent makes a written declaration of his or her decision to vacate his or her current office to run for the office of chairman or vice-chairman to the Tribal Council on or before sixty (60) days prior to the date of the scheduled election.

(1) All written declarations announcing an incumbent's decision to run for the office of chairman or vice-chairman shall state the following:

In accordance with ARTICLE V, SECTION 4, of the Constitution, I, _____, for the purpose of having my name placed on the Official Ballot as a candidate for _____ of the Colorado River Indian Tribes, hereby vacate my elected office as a member of Tribal Council, effective on the date of installation in office of those candidates elected at that scheduled election. I will not be a candidate for any elected office except _____ during the _____ election year.

The written declaration submitted by an incumbent pursuant to this subsection shall be printed on a standardized form provided by the tribal enrollment office. A declaration submitted by an incumbent on a non-standardized form shall not be transmitted to Tribal Council for certification review under subsection (d) of Section 2-302.

c. A candidate for elective office, including incumbents running for the office of chairman or vice-chairman, shall file for only one (1) office.

d. Once the Tribal Secretary has received verification from tribal enrollment that the petitions filed by a candidate for elective office comply with the requirements of ARTICLE V, SECTION 3, of the Constitution, Tribal Council shall convene a special meeting within 24 hours to certify the official nomination petitions and declaration of candidacy of each individual candidate.

e. Tribal Council shall make its certification determination with or without the individual candidate(s) being in attendance at the special meeting convened pursuant to subsection(d) of Section 2-302. The certification decision of Tribal Council is final and non-appealable.

[As amended, July 27, 2000, by Ord. No. 00-03.]

CHAPTER 4. ELIGIBILITY

Section 2-401. Voters

a. Any enrolled member of the Colorado River Indian Tribes who has attained the age of eighteen shall have the right to vote, provided that he is registered to vote in the current election, and provided further that he has not been declared incompetent by any Tribal, Federal, or State Court.

b. The Tribal Council shall certify the Eligible Voters' List at least 60 days prior to any regularly scheduled election, and at least 30 days prior to any special election. Eligible voters may register to vote by signing after their name on the Eligible Voters' List prepared by the Enrollment Department.

c. Any Tribal member who is eligible to vote whose name does not appear on the Eligible Voters' List may appeal to the Tribal Secretary to have his name placed on the Eligible Voters' List. The Tribal Secretary may certify and place any eligible voter's name on the Eligible Voters' List at any time up until the completion of voting.

d. Tribal members who are residents of the Reservation and are otherwise eligible may vote in any election by absentee ballot, provided that they apply to the Election Board (through the Enrollment Department) at least three weeks before the election. Nonresident Tribal members may vote in Tribal elections by voting at the polls or by absentee ballot as provided above.

e. Before every Tribal election, the Enrollment Department shall mail to all nonresident Tribal members a notice of election, containing all the questions to be decided in the election and instructions on obtaining and casting an absentee ballot. The notice of election shall be mailed sufficiently in advance of the election to allow nonresidents to obtain and cast absentee ballots.

f. Absentee ballots must be received by the Election Board by 5:00 p.m. on the day of the election in order to be counted.

g. Registered voters who reside on the Reservation and are unable to travel to a polling place because of illness, disability or incapacitation, may vote by casting their ballot with the Tribal Enrollment Secretary on the day of the election. The Enrollment Secretary shall be accompanied by a Tribal police officer to the place where such person is and shall place the marked ballot in an envelope, seal the envelope, and turn the same over to the Judge in District 1, who shall place the envelope in the ballot box. The voter's name shall be checked on the Eligible Voters' List by the Enrollment Secretary who shall place his initials next to the name checked.

h. Registered voters incarcerated in the Tribal jail may vote by casting their ballot with the Tribal Enrollment Secretary on the day of the election. The Enrollment Secretary shall be accompanied by a Tribal police officer to the Tribal jail and shall place any marked ballots each in an envelope, seal the envelopes, and turn the same over to the Judge in District 1, who shall place any envelopes in the ballot box. The voters' names shall be checked on the Eligible Voters' List by the Enrollment Secretary who shall

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place his initials next to the name checked.

[As amended August 26, 1994, Ord. No. 94-3]

CHAPTER 5. CERTIFICATION, DISPUTES

Section 2-501. Certification.

a. The Tribal Council, in an open meeting to take place at 9:00 a.m. on the first regular business day after the Tribal election, shall receive from the District Judges the official count of the election returns. The official count shall be read aloud.

b. After the official count has been read aloud, the Chairman or acting Chairman shall ask those in attendance whether there is any dispute, protest or grievance about the conduct of the election.

c. If no protest is registered, the Tribal Council shall then certify the returns and declare elected those with the highest number of votes. In the event of a tie for the highest number of votes, a special runoff election shall be held between the candidates receiving the highest number of votes.

d. If a protest is registered, the Council shall consider the protest, make a decision, and take any action it deems appropriate, including certifying the returns and declaring the winners. The Council shall make a decision on every timely registered protest before certifying the election but within five days after the official count is read aloud, and its decision shall be final.

[As amended August 26, 1994, Ord. No. 94-3]

CHAPTER 6. RECALL

Section 2-601. Commencement of Recall.

a. Subject to the provisions of this chapter, any eligible voter of the Tribes may initiate recall proceedings by asking the Tribal Enrollment Department for an official recall petition form.

b. Upon receiving a request for an official recall petition form, the Enrollment Department shall immediately verify that the prospective applicant is an eligible voter. Immediately thereafter, the Enrollment Department shall provide the prospective applicant with a recall petition form application.

c. 1. The recall petition form application shall require the applicant to set forth his/her name and address, the name of the subject(s) of the recall effort, and the text of the general statement required by Section 2-601(d).

2. The recall petition form application shall contain the text of Tribal Constitution Article IX Section 3, the text of Tribal Government Code Section 2-601(d), and a declaration of the actual number of valid petition signatures required to obtain a special recall election.

3. The application shall not be accepted unless it contains a signed statement that the applicant intends to circulate and submit a recall petition.

d. 1. Every applicant for a recall petition form shall include with his/her application a general statement of not more than 200 words stating the reason(s) for the proposed recall. Once the application is accepted, the statement shall be printed on the recall petition forms. If the petition drive results in a special election, the statement shall be printed on the ballot.

2. Within ten days after the Enrollment Department's acceptance of the application, the subject(s) of the proposed recall may file with the Enrollment Department an answer of not more than 200 words defending his/her official conduct. If the answer is filed timely, it shall be printed on the petition forms and on the ballot in the same manner as the statement of the proponent. A subject's failure to file an answer timely shall be considered a waiver of the subject's right to have his/her answer printed.

3. The statement and answer are intended solely for the information of the voters. No insufficiency in the form or substance thereof shall affect the validity of the election proceedings.

e. Once the application form has been completed properly and submitted, the Enrollment Department shall immediately accept the application, note the date of acceptance on the application, and issue the recall effort an official number which shall be printed on the recall petition forms. The Enrollment Department shall maintain a record of all recall efforts and their numbers.

f. 1. Immediately after accepting an application, the Enrollment Department shall notify the Tribal Council by memorandum that a recall petition form application has been accepted. A copy of the application shall accompany the memorandum.

2. At the same time, the Enrollment Department shall transmit to the subject(s) of the recall effort a copy of the application, and a memorandum setting forth the subject's right to submit timely and have printed on the recall petition and resultant ballot a statement of up to 200 words in answer to the statement of the proponents, as set forth in Section 2-601(d). The memorandum shall also state that if the subject does not file a written statement timely, he/she will be deemed to have waived his/her right to respond.

g. 1. Immediately after receiving a written statement from the subject as provided in Section 2-601(d), but not more than 14 days after accepting a recall petition form application, the Enrollment Department shall generate recall petition forms conforming to the provisions of Section 2-602.

2. The Enrollment Department shall generate a sufficient number of forms to accommodate the number of signatures required to obtain a recall election, and it shall deliver these forms to the applicant without charge not later than 21 days after accepting the application.

3. After receiving the forms from the Enrollment Department, petition proponents may circulate these forms, or photocopy and circulate blank petition forms at their own expense. Signatures collected on photocopied forms shall not be deemed invalid because they do not appear on the original forms supplied by the Enrollment Department.

4. Immediately after delivering the petition forms to the petition proponent(s), the Enrollment Department shall deliver a copy of the form to each member of the Council, accompanied by a memorandum setting forth the number of signatures necessary for a recall election and the last day for turning in the petitions.

5. Once each member of the Council has received a copy of the petition, the Enrollment

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Department shall conspicuously post at least two copies of the petition, clearly marked "DO NOT SIGN" in the signature area. At least one of these copies shall be posted in the Tribal Administration Building, and at least one more shall be posted in one other public place on the Reservation.

[As amended August 26, 1994, Ord. No. 94-3]

Section 2-602. Recall Petitions: Form and Contents.

a. Every recall petition shall contain each of the following:

1. A title at the top of the page, in large bold type and capital letters, which reads: "PETITION TO CALL A SPECIAL ELECTION FOR THE RECALL OF [SUBJECT'S NAME, TITLE] OF THE COLORADO RIVER TRIBAL COUNCIL."

2. A statement immediately below the title, in bold type, which reads: "We, the qualified electors of the Colorado River Indian Tribes, demand a special election to determine whether [subject's name, title] shall continue to serve on the Colorado River Tribal Council."

3. A statement in bold type immediately below the aforementioned demand which reads: "The grounds for this demand are as follows:"

4. The text of the proponents' statement from the petition application, immediately following the aforementioned statement.

5. A statement in bold type immediately below the text of the proponents' statement, which reads: "[subject's name, title] replies as follows:"

6. The text of the subject's reply, if one has been filed timely.

7. A statement, in bold type and capital letters, which reads: "ONLY QUALIFIED VOTERS OF THE COLORADO RIVER INDIAN TRIBES MAY SIGN THIS PETITION. DO NOT LEAVE ANY COLUMNS BLANK."

8. Numbered rows with columns for each signatory's signature, printed name, enrollment number, and the date he/she signed.

9. A place at the bottom for the circulator to print his/her name, list the dates between which the signatures on the petition were collected, and sign, swearing that he/she is a qualified elector of the Tribes; that he/she circulated the petition personally; that he/she saw each signature being written; that each signature is genuine to the best of his/her knowledge and belief.

10. The petition effort's official number, as required in Tribal Government Code §2-601(e).

b. The existence of technical defects in distributed petitions shall not constitute grounds for invalidating signatures gathered thereon unless the defect reasonably could cause confusion among signatories about the petition's official number, the grounds of the petition, the contents of the subject's reply, or the identity of the subject.

[As amended August 26, 1994, Ord. No. 94-3]

Section 2-603. Rules for Circulating Petitions; Time; Number of Signatures Required.

- a. Only eligible voters of the Tribes may circulate recall petitions.
- b. Neither Tribal Council Members, members of the present Tribal Election Board, nor employees of the Enrollment Department may circulate recall petitions.
- c. Any person who knowingly gives or receives money or any other thing of value for signing a recall petition, excluding payments made to a person for circulating such petition, is guilty of a criminal offense. Signatures obtained in violation of this section are invalid.
- d.
 1. All petitions containing signatures must be returned to the Enrollment Department for verification no later than 60 days after the date the Enrollment Department accepted the original application. Petitions received after the time limit has expired will not be considered, but will nevertheless be retained by the Enrollment Department.
 2. When recall petitions are returned to the Enrollment Department, the Department shall immediately stamp them with the date on which they are received, and shall verify whether they have been received within the statutory time limit for circulation before examining them any further.
 3. As soon thereafter as is feasible, the Enrollment Department shall examine the petitions timely returned, to determine whether, taken together, they have been signed by the requisite number of eligible voters and are otherwise valid.
 4. If the petitions have been signed by a sufficient number of eligible voters, and are otherwise valid, the Enrollment Department shall immediately transmit the petitions to the Tribal Council with a report verifying their sufficiency and validity. The Enrollment Department shall record the date on which the petitions and its report were received by the Council.
 5. If the petitions are not sufficient to warrant the calling of a special election, the Enrollment Department shall issue a report to this effect to the Council, and shall transmit the petitions to the Council.
 6. Whether the petitions are sufficient or not, the Enrollment Department shall keep copies of them on file, along with a copy of the report the Department issued to the Council about their sufficiency.
- e. When the Tribal Council has received petitions transmitted from the Enrollment Department, verified by the Department to have been signed by the requisite number of eligible voters, it shall call a special recall election to be held within 30 days after its receipt of the petitions, as provided in the Tribal Constitution.
- f. When the Tribal Council has received petitions transmitted from the Enrollment Department that the Department has not verified as sufficient, it shall not be required to call a special recall election. It shall, however, make the Enrollment Department's report a part of the Council's official minutes, and it shall retain the petitions for examination by interested Tribal members.

[As amended August 26, 1994, Ord. No. 94-3]

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Section 2-604. Special Recall Election.

a. The special recall election shall be conducted in accordance with Tribal Government Code § 2-301.

b. The ballot used in the special recall election shall contain the text of the statements of the petition proponents and of the subject(s) as those statements appeared on the petition forms.

c. The ballot shall pose one question for each subject of the recall, shall appear beneath the aforementioned statements, and shall be phrased as follows:

"Shall [name of subject] be recalled (removed) from the position of [title of position]?"

d. If a majority of those voting in the special recall election approve of the recall, the Tribal Council shall declare the subject's office to be vacant and shall proceed in the usual manner to fill the vacancy.

[As amended August 26, 1994, Ord. No. 94-3]

CHAPTER 7. REFERENDUM

Section 2-701. Commencement of Referendum.

a. Subject to the provisions of this chapter and Article X of the Tribal Constitution, any eligible voter of the Tribes may initiate referendum proceedings by asking the Tribal Enrollment Department for an official referendum petition form.

b. All referendum proceedings initiated pursuant to subsection a of this section shall be commenced within thirty (30) calendar days of final tribal council action on a resolution or within sixty (60) calendar days of final tribal council action on an ordinance. Referendum proceedings commenced after 5:00 P.M. on the final day of the time limitations set forth in this paragraph shall be invalid and shall not result in a referendum being called. If the final day of the time limitations set forth in this paragraph falls on a Saturday, Sunday or legal holiday, the final day shall become the next day that is not a Saturday, Sunday or legal holiday.

c. As provided in Article X of the Tribal Constitution, the Tribal Council may submit any enacted or proposed ordinance or resolution to popular referendum upon the request of a majority of Council members present at a valid meeting.

c. Upon receiving a request for an official referendum petition form application, the Enrollment Department shall immediately verify that the prospective applicant is an eligible voter. Immediately thereafter, the Enrollment Department shall provide the prospective applicant with a referendum petition form application.

d. 1. The referendum petition form application shall require the applicant to set forth his/her name and address, the text of the proposed resolution or ordinance to be referred to the voters, and the date on which the final tribal council action took place on the ordinance or resolution.

2. The referendum petition form application shall contain the text of Tribal Constitution

Article X and a declaration of the actual number of valid petition signatures required to obtain a referendum election.

3. The application shall not be accepted unless it contains a signed statement that the applicant intends to circulate and submit a referendum petition.

3. Once the application form has been completed properly and submitted, the Enrollment Department shall immediately accept the application, note the date of acceptance on the application, and issue the referendum effort an official number which shall be printed on the referendum petition forms. The Enrollment Department shall maintain a record of all referendum efforts and their numbers.

e. Immediately after accepting an application, the Enrollment Department shall notify the Tribal Council by memorandum that a referendum petition form application has been accepted. A copy of the application shall accompany the memorandum.

f. 1. Not more than 14 days after accepting a referendum petition form application, the Enrollment Department shall generate referendum petition forms conforming to the provisions of Section 2-702.

2. The Enrollment Department shall generate a sufficient number of forms to accommodate the number of signatures required to obtain a referendum election, and it shall deliver these forms to the applicant without charge not later than 21 days after accepting the application.

3. After receiving the forms from the Enrollment Department, petition proponents may circulate these forms, or photocopy and circulate blank petition.

4. forms at their own expense. Signatures collected on photocopied forms shall not be deemed invalid because they do not appear on the original forms supplied by the Enrollment Department.

5. Immediately after delivering the petition forms to the petition proponent(s), the Enrollment Department shall deliver a copy of the form to each member of the Council, accompanied by a memorandum setting forth the number of signatures necessary for a referendum election and the last day for turning in the petitions.

6. Once each member of the Council has received a copy of the petition, the Enrollment Department shall conspicuously post at least two copies of the petition, clearly marked "DO NOT SIGN" in the signature area. At least one of these copies shall be posted in the Tribal Administration Building, and at least one more shall be posted in one other public place on the Reservation.

g. For purposes of this section, "final tribal council action" means the date on which the tribal council votes to approve or reject a proposed resolution or ordinance or votes to approve or reject an amendment to a proposed resolution or ordinance.

[As amended August 26, 1994, Ord. No. 94-3; August 23, 2006, Ord. 06-03]

Section 2-702. Referendum Petitions: Form and Contents.

a. Every referendum petition shall contain each of the following:

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1. A title at the top of the page, in large bold type and capital letters, which reads: "PETITION TO CALL A REFERENDUM."

2. A statement immediately below the title, in bold type, which reads: "We, the qualified electors of the Colorado River Indian Tribes, respectfully demand that the following [proposed or existing] [resolution or ordinance] be submitted to popular referendum:"

3. The text of the proposed or existing resolution or ordinance at issue.

4. A statement, in bold type and capital letters, which reads: "ONLY QUALIFIED VOTERS OF THE COLORADO RIVER INDIAN TRIBES MAY SIGN THIS PETITION. DO NOT LEAVE ANY COLUMNS BLANK."

5. Numbered rows with columns for each signatory's signature, printed name, enrollment number, and the date he/she signed.

6. A place at the bottom for the circulator to print his/her name, list the dates between which the signatures on the petition were collected, and sign, swearing that he/she is a qualified elector of the Tribes; that he/she circulated the petition personally; that he/she saw each signature being written; that each signature is genuine to the best of his/her knowledge and belief.

7. The petition effort's official number, as required in Tribal Government Code §2-701(e).

b. The existence of technical defects in distributed petitions shall not constitute grounds for invalidating signatures gathered thereon unless the defect reasonably could cause confusion among signatories about the petition's official number, or the substance of the resolution or ordinance at issue.

[As amended August 26, 1994, Ord. No. 94-3]

Section 2-703. Rules for Circulating Petitions; Time; Number of Signatures Required.

a. Only eligible voters of the Tribes may circulate referendum petitions.

b. Neither Tribal Council Members, members of the present Tribal Election Board, nor employees of the Enrollment Department may circulate referendum petitions.

c. Any person who knowingly gives or receives money or any other thing of value for signing a referendum petition, excluding payments made to a person for circulating such petition, is guilty of a criminal offense. Signatures obtained in violation of this section are invalid.

d. 1. All petitions containing signatures must be returned to the Enrollment Department for verification no later than 60 days after the date the Enrollment Department accepted the original application. Petitions received after the time limit has expired will not be considered, but will nevertheless be retained by the Enrollment Department.

2. When referendum petitions are returned to the Enrollment Department, the Department shall immediately stamp them with the date on which they are received, and shall verify whether they have been received within the statutory time limit for circulation before examining them any further.

3. As soon thereafter as is feasible, the Enrollment Department shall examine the petitions timely returned, to determine whether, taken together, they have been signed by the requisite number of eligible voters and are otherwise valid.

4. If the petitions have been signed by a sufficient number of eligible voters, and are otherwise valid, the Enrollment Department shall immediately transmit the petitions to the Tribal Council with a report verifying their sufficiency and validity. The Enrollment Department shall record the date on which the petitions and its report were received by the Council.

5. If the petitions are not sufficient to warrant the calling of a special election, the Enrollment Department shall issue a report to this effect to the Council, and shall transmit the petitions to the Council.

6. Whether the petitions are sufficient or not, the Enrollment Department shall keep copies of them on file, along with a copy of the report the Department issued to the Council about their sufficiency.

e. When the Tribal Council has received petitions transmitted from the Enrollment Department, verified by the Department to have been signed by the requisite number of eligible voters, it shall call a referendum to be held within 30 days after its receipt of the petitions.

f. When the Tribal Council has received petitions transmitted from the Enrollment Department that the Department has not verified as sufficient, it shall not be required to call a referendum. It shall, however, make the Enrollment Department's report a part of the Council's official minutes, and it shall retain the petitions for examination by interested Tribal members.

[As amended August 26, 1994, Ord. No. 94-3]

Section 2-704. Special Referendum Election.

a. The special referendum election shall be conducted in accordance with Tribal Government Code §2-301.

b. The ballot shall pose one question, which shall be phrased as follows:

"Shall the following [resolution or ordinance] be [adopted or rescinded]?"

The text of the ordinance or resolution at issue shall immediately follow the ballot question.

c. If a majority of those voting on the referendum approve of it, the Tribal Council shall be bound by the result, and shall act to implement it, provided that at least 30 percent of the registered voters of the Tribes have voted on the referendum.

[As amended August 26, 1994, Ord. No. 94-3]

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